**Senate Education Panel Approves ESEA Overhaul**

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A long-stalled, bipartisan rewrite of the widely-disparaged No Child Left Behind Act approved by the Senate education committee on Thursday faces steep political hurdles, with opposition expected from civil rights and business leaders who see it as a step back on student accountability and Republican lawmakers likely to say it doesn’t pull back enough on the federal role in K-12 education.

But supporters of the bill, including its lead architect U.S. Sen. Tom Harkin, D-Iowa, still hope to bring the measure to the Senate floor for a vote in time to put the kibosh on the administration’s plan to offer states waivers from key parts of the current NCLB law.

Mr. Harkin said after the committee’s 15-7 vote on Oct. 20 that it’s “possible” Congress could approve a rewritten version of the nation’s main education law before Christmas—before the waivers, announced last month, are to be granted.

The measure overhauling the ESEA is the product of months of negotiations between Mr. Harkin, the chairman of the Senate Health, Education, Labor, and Pensions Committee, and Sen. Michael B. Enzi, R-Wyo., the top Republican on the committee.

It would keep the NCLB law’s regime of testing students in grades 3 through 8 and once in high school. And it would retain the law’s focus on breaking out achievement data for various subgroups of students, including racial minorities, students with disabilities, and English-language learners.

But the version approved by the committee after a two-day markup also would drastically scale back the accountability system at the heart of the NCLB law, which was approved with broad bipartisan support in 2001. Among other changes, the panel's bill would:

• Scrap the law’s signature yardstick, known as Adequate Yearly Progress, or AYP.

• Put a halt to federally-directed interventions for all but the lowest performing schools and schools with persistent achievement gaps between low-income.

• Lay out a series of federal interventions for turning around the lowest-performing schools based in part on the administrations regulations for the School Improvement Grant program.

• Call on states to craft college-and-career standards, but not require them to join the Common Core State Initiative, which nearly all states already have done; and

• Streamline the Department of Education by consolidating 82 programs into about 40 broader baskets of funding.

**Rocky Process**

The Senate committee's markup got off to a rocky start after Sen. Rand Paul, R-Ky., threw up hurdles, filing 74 amendments and using a rare procedural move to limit the time the committee could debate the bill. He and committee leaders later reached an agreement that allowed work to move forward while assuring him of a hearing on the bill Nov. 8, before it goes to the Senate floor.

Sen. Paul eventually agreed to scale his amendments back to just a handful, including one to repeal the NCLB law. That amendment failed.

Some amendments offered during the markup—and then withdrawn by their sponsors—gave a preview of what will likely be hot areas of debate once the bill moves to the senate floor.

For example, Sen. Michael Bennet, put forth, but then withdrew, an amendment that would have required states to set performance targets, based options outlined in the administration’s plan for waivers, including setting goals that would bring all students to proficiency by 2020, and cutting the achievement gap in half among various subgroups of students.

Sen. Harkin said he “supported the basic idea behind the amendment,” and noted that he and Sen. Enzi couldn’t reach agreement on a plan for goal-setting when they crafted the bill.

But Sen. Lamar Alexander, R-Tenn., said such a change would amount to a back-door way of continuing the widely disparaged AYP yardstick.

Sen. Enzi said that the measure would be appropriate for Sen. Bennet to put in place if he was back in his previous job, as Denver schools chief, but not as a federal approach. “We don’t want to create a national school board,” Enzi said.

**Odd Couple**

Debate over the measure has also created some strange political bedfellows.

A draft version of the measure released Oct. 11 by Sen. Harkin, would have called for states to craft teacher evaluations that took into account student achievement. But that provision was scrapped at the behest of committee Republicans, who said it would amount to a federal mandate of what should be a state and local issue.

The GOP priorities jibed with those of the National Education Association, a 3.2 million member union, which also saw the provision as a federal intrusion.

The NEA also saw eye-to-eye with the GOP on another change to the bill, which passed with bipartisan support during committee consideration. That provision, sponsored by Sen. Lamar Alexander, would permit states to submit their own ideas to the U.S. secretary of education for turning around the lowest-performing schools.

Speaking on the second day of the HELP committee’s markup of the bill, Sen. Alexander said his amendment would give states the flexibility to develop turnaround options that might work better than those spelled out in the bill. When he was governor of Tennessee, Sen. Alexander said, “I never thought Washington was ahead of me.”

But seven Democrats on the committee—including Sens. Harkin and Bennet—voted against the amendment, which passed with unanimous support from Republican members.

“We are talking about the bottom 5 percent of schools,” said Sen. Bennet. “None of us send our children to those schools. None of us has grandchildren in those schools. ... My hope is that whatever these models are, they are at least as robust as the ones that are contained in the legislation. Otherwise we’re going to have those children who are marooned in those 5 percent of schools, marooned in those schools for the rest of their K-12 education, for the rest of their lives.”

After the vote, a Senate GOP aide gave Mary Kusler, the manager of federal advocacy for the NEA, a congratulatory hug.

Ms. Kusler was happy with the outcome. The NEA has not been a huge fan of the Obama administration’s turnaround models, in part because the union considers them a federal intrusion. And many of the existing models require the removal of a school's current teachers, or call for merit pay.

“We applaud the passage of Sen. Alexander’s amendment to add additional flexibility to the turnaround models in the bill,” Ms. Kusler said in a statement. “If you want to make lasting, sustainable changes, you must engage all of the people who are involved—educators, parents, administrators, and community members."

**Amendments Accepted**

Amendments from a number of senators from both sides of the aisle were approved during the markup:

• Sen. Alexander introduced an amendment, accepted on voice vote, that would allow students in the lowest-performing 5 percent of schools in a state to transfer to better-performing schools.

• An amendment sponsored by Sen. Kay Hagan, D-N.C., would require that new principals coming into turnaround schools have a background in school improvement. Some Republicans voted against it, including Sen. Alexander, who said he thought that districts would already be planning to choose the best person.

• An amendment by Sen. Al Franken, D-Minn., would give states the option of using computer-adaptive tests for accountability purposes under the law. Sen. Franken said the tests are a big hit in his state and give teachers a right-now picture of how their students are doing.

• Another Franken amendment would provide competitive grants to recruit and train principals to lead turnaround schools.

• Sen. Jeff Bingaman, D-N.M., introduced an amendment to reauthorize the Educational Technology State Grants, which help states design technology programs. The program lost its authorization in the 2011 continuing resolution on the federal budget, and was eliminated under the original version of the ESEA bill. The language would restore the program.

• Sen. Robert Casey, D-Pa., introduced an amendment that would create a “well-rounded education” fund. School districts could use the money to fund arts; civics and government; economics; environmental education; financial literacy; foreign languages; geography; health education; history; physical education; and social studies programs.

• Sen. Bennet put forth an amendment that would give states the option of holding their teacher-training programs accountable for producing educators who demonstrate the ability to boost student achievement. In exchange for their participation in the program, education schools would be exempt from regulations that he described as “burdensome,” “input based,” and “unrelated to student achievement."

**Rejections**

Other key amendments were rejected, including:

• An amendment offered by Sen. Bernie Sanders, I-Vt., that would have allowed teachers to be considered "highly qualified" only if they had completed a state-approved traditional or alternative teacher-preparation program, or passed a rigorous state-approved teacher-performance assessment, and attained certification in their subject matter. Sen. Bennet argued the measure would deal a blow to Teach For America and other alternative-certification programs.

• An amendment by Sen. Mark Kirk, R-Ill., that would have scrapped the authorization for the Promise Neighborhoods program, which helps communities create cradle-to-career services modeled on the Harlem Children’s Zone. Sen. Kirk said the program had only financed a handful of planning grants and the money would be better spent on special education.

Some other amendments that were offered, then withdrawn, gave a preview of what are likely to be areas of debate as the bill moves forward. Among them:

• An Alexander amendment that would have stripped the highly qualified teacher provisions out of the bill. The bill retains the idea that teachers must have degrees in the subject they teach and be state-certified. Sen. Alexander’s amendment would have let states decide who is highly qualified. The senator said he’d be bringing that proposal to the floor.

• An Alexander amendment that would have taken out language in the bill requiring that states make continuous improvement in student achievement, and another that would have eliminated a proposed requirement that states develop a plan to address schools with persistent achievement gaps. Sen. Alexander made it clear that both of those amendments would make a reappearance on the floor, and that he’d fight for them in a conference committee.

• A proposal by Sen. Pat Roberts, R-Kan., that would have scrapped the authorization for the Race to the Top program, the Obama administration's signature education initiative. Sen. Roberts said he would offer the amendment on the Senate floor.

One last tidbit: The new name for the reauthorization of the Elementary and Secondary Education Act? The Elementary and Secondary Education Act. No Child Left Behind has become a toxic brand, so the committee is looking to get rid of the name and go back to the classic version.

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